

IN RESPONSE TO THE OFFICE ACTION:

REMARKS REGARDING AMENDMENTS

Claims 1, 15, 17–22, 24–32, 36–37, 51, 53–58, 60–68, 72–73, 87, 89–94, 96–104, and 108 have been amended. No new matter has been added by the amendments. Support for the amended claims is found in the original claims and specification.

FIRST REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH:

Claims 1–108 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 1–108 have been rejected for the recitation of the phrase “applying the plurality of rules to the plurality of past values that are stored in the rule base” in independent claims 1, 21, 37, 57, 73, and 93. Assignee respectfully requests that the Examiner reconsider and withdraw the rejection of the claims in view of above amendments to independence claims 1, 21, 37, 57, 73, and 93.

SECOND REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH:

Claims 1–108 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action indicates that it is not clear what the term “data collected” means. Assignee respectfully requests that the Examiner reconsider and withdraw the rejection of the claims in view of the above amendments and the following remarks.

The above identified claims have been amended to clarify the term “data collected.” The claims are directed to a method of collecting data from a plurality of samples, a system for collecting data from a plurality of samples, and a computer program for collecting data from a plurality of samples. The plurality of samples include characteristics that may change over a time. The claimed invention is directed to a method, system, or program that uses past values of the characteristics and a stored ruled base to determine whether a data is to be collected from a particular sample and if so, what characteristic of the sample is to be collected.

The collection of data, i.e. measurement or determination of a characteristic of a sample, may be done by various methods or with various devices as would be appreciated by one of ordinary skill in the art. For example, the specification discloses that the collection of data may

be automated or may also be collected by observation of the sample. (Para. 0007–0008) The specification also discloses that devices, such as sensors or transducers, may be used to collect data, i.e. determine a characteristic, of a sample. (Para. 0044) Measurements of the sample may also be used to collect data. (Para. 0053) As discussed above, the claimed invention is directed to applying the past values of a plurality of samples to a stored rule base to determine which samples need to be analyzed and what characteristic of the selected samples needs to be determined. Various methods and devices known to one of ordinary skill in the art may be used with the claimed invention. For at least these reasons, the Assignee respectfully requests that the Examiner reconsider and withdraw the rejection of the claims.

THIRD REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH:

Claims 1–108 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action indicates that it is not clear whether the past values are used to identify target characteristics in the past or at some later time. Assignee respectfully requests that the Examiner reconsider and withdraw the rejection of the claims 1–108 in view of the above amendments and the following remarks.

Each of the independent claims require the application of a plurality of rules to a plurality of past values to identify at least one target characteristic to be data collected. (Emphasis added.) Thus, the past values are not used to identify a target characteristic in the past, but rather a target characteristic that is to be determined from the selected samples. Assignee respectfully requests that the Examiner reconsider and withdraw the § 112, second paragraph, rejection of the claims.

CONCLUSION:

Assignee respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1–13, 15–49, 51–85, 87–108 and that the Examiner indicate the allowance of all pending claims in the next paper from the Office. The Examiner is invited to contact the undersigned attorney at 713.787.1697 with any questions, comments, or suggestions relating to the referenced patent application.

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